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THE  
REVISED CONSTITUTION

OF THE

STATE OF MICHIGAN,

ADOPTED IN CONVENTION, AUGUST 15, 1850.



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BY AUTHORITY.

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LANSING :

R. W. INGALS, STATE PRINTER.

1850.



# CONSTITUTION OF THE STATE OF MICHIGAN.

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The People of the State of Michigan do ordain this Constitution:

## ARTICLE I.

### BOUNDARIES.

The State of Michigan consists of and has jurisdiction over the territory embraced within the following boundaries, to wit: Commencing at a point on the eastern boundary line of the State of Indiana, where a direct line drawn from the southern extremity of Lake Michigan to the most northerly cape of the Maumee Bay shall intersect the same—said point being the north-west corner of the State of Ohio, as established by act of Congress, entitled “an act to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union upon the conditions therein expressed,” approved June fifteenth, one thousand eight hundred and thirty-six; thence with the said boundary line of the State of Ohio till it intersects the boundary line between the United States and Canada in Lake Erie; thence with said boundary line between the United States and Canada through the Detroit river, Lake Huron and Lake Superior to a point where the said line last touches Lake Superior; thence in a direct line through Lake Superior to the mouth of the Montreal river; thence through the middle of the main channel of the said river Montreal to the head waters thereof; thence in a direct line to the centre of the channel between Middle and South islands in the Lake of the Desert; thence in a direct line to the southern shore of Lake Brule; thence along said southern shore and down the river Brule to the main channel of the Menominie river; thence down the centre of the main channel of the same to the centre of the most usual ship channel of the Green Bay of Lake Michigan; thence through the centre of the most usual ship channel of the said bay to the middle of Lake Michigan; thence through

the middle of Lake Michigan to the northern boundary of the State of Indiana, as that line was established by the act of Congress of the nineteenth of April, eighteen hundred and sixteen; thence due east with the north boundary line of the said State of Indiana to the north-east corner thereof; and thence south with the eastern boundary line of Indiana to the place of beginning.

## ARTICLE II.

### SEAT OF GOVERNMENT.

§ 1. The Seat of Government shall be at Lansing, where it is now established.

## ARTICLE III.

### DIVISION OF THE POWERS OF GOVERNMENT.

§ 1. The powers of government are divided into three departments: the Legislative, Executive and Judicial.

§ 2. No person belonging to one department shall exercise the powers properly belonging to another, except in the cases expressly provided in this constitution.

## ARTICLE IV.

### LEGISLATIVE DEPARTMENT.

§ 1. The legislative power is vested in a Senate and House of Representatives.

§ 2. The Senate shall consist of thirty-two members. Senators shall be elected for two years, and by single districts. Such districts shall be numbered from one to thirty-two inclusive; each of which shall choose one Senator. No county shall be divided in the formation of Senate districts, except such county shall be equitably entitled to two or more Senators.

§ 3. The House of Representatives shall consist of not less than sixty-four, nor more than one hundred members. Representatives shall be chosen for two years, and by single districts. Each Representative district shall contain, as nearly as may be, an equal number of white inhabitants, and civilized persons of Indian descent, not members of any tribe, and shall consist of convenient and contiguous territory. But no township or city shall be divided in the formation of a Representative district. When any township or city shall contain a population which entitles it to more than one Representative, then such township or city shall elect by general ticket

the number of Representatives to which it is entitled. Each county hereafter organized, with such territory as may be attached thereto, shall be entitled to a separate Representative when it has attained a population equal to a moiety of the ratio of representation. In every county entitled to more than one Representative, the board of supervisors shall assemble at such time and place as the Legislature shall prescribe, and divide the same into Representative districts, equal to the number of Representatives to which such county is entitled by law, and shall cause to be filed in the offices of the Secretary of State and clerk of such county a description of such Representative districts, specifying the number of each district, and the population thereof, according to the last preceding enumeration.

§ 4. The Legislature shall provide by law for an enumeration of the inhabitants in the year eighteen hundred and fifty-four, and every ten years thereafter; and at the first session after each enumeration so made, and also at the first session after each enumeration by the authority of the United States, the Legislature shall re-arrange the Senate districts and apportion anew the Representatives among the counties and districts, according to the number of white inhabitants and civilized persons of Indian descent, not members of any tribe. Each apportionment and the division into Representative districts, by any board of supervisors, shall remain unaltered until the return of another enumeration.

§ 5. Senators and Representatives shall be citizens of the United States, and qualified electors in the respective counties and districts which they represent. A removal from their respective counties or districts shall be deemed a vacation of their office.

§ 6. No person holding any office under the United States [or this State,] or any county office, except notaries public, officers of the militia and officers elected by townships, shall be eligible to or have a seat in either house of the Legislature, and all votes given for any such person shall be void.

§ 7. Senators and Representatives shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest. They shall not be subject to any civil process during the session of the Legislature, or for fifteen days next before the commencement and after the termination of each session. They shall not be questioned in any other place for any speech in either house.

§ 8. A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each house may prescribe.

§ 9. Each house shall choose its own officers, determine the rules of its proceedings, and judge of the qualifications, elections and returns of its members; and may, with the concurrence of two-thirds of all the members elected, expel a member. No member shall be expelled a second time for the same cause, nor for any cause known to his constituents antecedent to his election. The reason for such expulsion shall be entered upon the journal, with the names of the members voting on the question.

§ 10. Each house shall keep a journal of its proceedings, and publish the same, except such parts as may require secrecy. The yeas and nays of the members of either house, on any question, shall be entered on the journal at the request of one-fifth of the members elected. Any member of either house may dissent from and protest against any act, proceeding or resolution which he may deem injurious to any person or the public, and have the reason of his dissent entered on the journal.

§ 11. In all elections by either house or in joint convention the votes shall be given *viva voce*. All votes on nominations to the Senate shall be taken by yeas and nays, and published with the journal of its proceedings.

§ 12. The doors of each house shall be open, unless the public welfare require secrecy. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than where the Legislature may then be in session.

§ 13. Bills may originate in either house of the Legislature.

§ 14. Every bill and concurrent resolution, except of adjournment, passed by the Legislature shall be presented to the Governor before it becomes a law. If he approve, he shall sign it; but if not, he shall return it with his objections to the house in which it originated, which shall enter the objections at large upon their journal, and reconsider it. On such reconsideration, if two-thirds of the members elected agree to pass the bill, it shall be sent, with the objections, to the other house, by which it shall be reconsidered. If

approved by two-thirds of the members elected to that house, it shall become a law. In such case, the vote of both houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journals of each house respectively. If any bill be not returned by the Governor within ten days, Sundays excepted, after it has been presented to him, the same shall become a law, in like manner as if he had signed it, unless the Legislature, by their adjournment, prevent its return; in which case it shall not become a law. The Governor may approve, sign and file in the office of the Secretary of State, within five days after the adjournment of the Legislature, any act passed during the last five days of the session; and the same shall become a law.

§ 15. The compensation of the members of the Legislature shall be three dollars a day for actual attendance and when absent on account of sickness, for the first sixty days of the session of the year one thousand eight hundred and fifty-one, and for the first forty days of every subsequent session, and nothing thereafter. When convened in extra session their compensation shall be three dollars a day for the first twenty days, and nothing thereafter; and they shall legislate on no other subjects than those expressly stated in the Governor's proclamation, or submitted to them by special message. They shall be entitled to ten cents and no more for every mile actually traveled, going to and returning from the place of meeting, on the usually traveled route; and for stationery and newspapers not exceeding five dollars for each member during any session. Each member shall be entitled to one copy of the laws, journals and documents of the Legislature of which he was a member; but shall not receive at the expense of the State, books, newspapers, or other perquisites of office, not expressly authorized by this constitution.

§ 16. The Legislature may provide by law for the payment of postage on all mailable matter received by its members and officers during the sessions of the Legislature, but not on any sent or mailed by them.

§ 17. The President of the Senate and the Speaker of the House of Representatives shall be entitled to the same per diem compensation and mileage as members of the Legislature, and no more.

§ 18. No person elected a member of the Legislature shall receive any civil appointment within this State, or to the Senate of the United States, from the Governor, the Governor and Senate, from the Legislature, or any other State authority, during the term for which he is elected. All such appointments and all votes given for any person so elected for any such office or appointment, shall be void. No member of the Legislature shall be interested, directly or indirectly, in any contract with the State, or any county thereof, authorized by any law passed, during the time for which he is elected, nor for one year thereafter.

§ 19. Every bill and joint resolution shall be read three times in each house, before the final passage thereof. No bill or joint resolution shall become a law without the concurrence of a majority of all the members elected to each house. On the final passage of all bills the vote shall be by ayes and nays, and entered on the journal.

§ 20. No law shall embrace more than one object, which shall be expressed in its title. No public act shall take effect or be in force until the expiration of ninety days from the end of the session at which the same is passed, unless the Legislature shall otherwise direct, by a two-thirds vote of the members elected to each house.

§ 21. The Legislature shall not grant nor authorize extra compensation to any public officer, agent or contractor, after the service has been rendered or the contract entered into.

§ 22. The Legislature shall provide by law that the furnishing of fuel and stationery for the use of the State, the printing and binding the laws and journals, all blanks, paper and printing for the executive departments, and all other printing ordered by the Legislature, shall be let by contract to the lowest bidder or bidders, who shall give adequate and satisfactory security for the performance thereof. The Legislature shall prescribe by law the manner in which the State printing shall be executed, and the accounts rendered therefor, and shall prohibit all charges for constructive labor. They shall not rescind nor alter such contract, nor release the person nor persons taking the same, or his or their sureties, from the performance of any of the conditions of the contract. No member of the Legislature nor officer of the State, shall be interested directly or indirectly in any such contract.

§ 23. The Legislature shall not authorize, by private or special law, the sale or conveyance of any real estate belonging to any person; nor vacate nor alter any road laid out by commissioners of highways, or any street in any city or village, or in any recorded town plat.

§ 24. The Legislature may authorize the employment of a chaplain for the State prison; but no money shall be appropriated for the payment of any religious services in either house of the Legislature.

§ 25. No law shall be revised, altered or amended by reference to its title only; but the act revised, and the section or sections of the act altered or amended, shall be re-enacted and published at length.

§ 26. Divorces shall not be granted by the Legislature.

§ 27. The Legislature shall not authorize any lottery, nor permit the sale of lottery tickets.

§ 28. No new bill shall be introduced into either house during the last three days of the session, without the unanimous consent of the house in which it originates.

§ 29. In case of a contested election, the person only shall receive from the State per diem compensation and mileage, who is declared to be entitled to a seat by the house in which the contest takes place.

§ 30. No collector, holder, nor disburser of public moneys, shall have a seat in the Legislature, or be eligible to any office of trust or profit under this State, until he shall have accounted for and paid over, as provided by law, all sums for which he may be liable.

§ 31. The Legislature shall not audit nor allow any private claim or account.

§ 32. The Legislature, on the day of final adjournment, shall adjourn at twelve o'clock at noon.

§ 33. The Legislature shall meet at the seat of government on the first Wednesday in February next, and on the first Wednesday in January of every second year thereafter, and at no other place or time, unless as provided in this constitution.

§ 34. The election of Senators and Representatives, pursuant to the provisions of this Constitution, shall be held on the Tuesday succeeding the first Monday of November in the year one thousand

eight hundred and fifty-two, and on the Tuesday succeeding the first Monday of November of every second year thereafter.

§ 35. The Legislature shall not establish a State paper. Every newspaper in the State which shall publish all the general laws of any session within forty days of their passage, shall be entitled to receive a sum not exceeding fifteen dollars therefor.

§ 36. The Legislature shall provide for the speedy publication of all statute laws of a public nature, and of such judicial decisions as it may deem expedient. All laws and judicial decisions shall be free for publication by any person.

§ 37. The Legislature may declare the cases in which any office shall be deemed vacant, and also the manner of filling the vacancy, where no provision is made for that purpose in this constitution.

§ 38. The Legislature may confer upon organized townships, incorporated cities and villages, and upon the board of supervisors of the several counties, such powers of a local, legislative and administrative character as they may deem proper.

§ 39. The Legislature shall pass no law to prevent any person from worshiping Almighty God according to the dictates of his own conscience, or to compel any person to attend, erect or support any place of religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion.

§ 40. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary, nor shall property belonging to the State be appropriated for any such purposes.

§ 41. The Legislature shall not diminish or enlarge the civil or political rights, privileges and capacities of any person on account of his opinion or belief concerning matters of religion.

§ 42. No law shall ever be passed to restrain or abridge the liberty of speech or of the press; but every person may freely speak, write and publish his sentiments, on all subjects, being responsible for the abuse of such right.

§ 43. The Legislature shall pass no bill of attainder, ex-post facto law, or law impairing the obligation of contracts.

§ 44. The privilege of the writ of habeas corpus remains and

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shall not be suspended by the Legislature, except in case of rebellion or invasion the public safety require it.

§ 45. The assent of two-thirds of the members elected to each house of the Legislature shall be requisite to every bill appropriating the public money or property for local or private purposes.

§ 46. The Legislature may authorize a trial by a jury of a less number than twelve men.

§ 47. The Legislature shall not pass any act authorizing the grant of license for the sale of ardent spirits or other intoxicating liquors.

§ 48. The style of the laws shall be "The People of the State of Michigan enact."

## ARTICLE V.

### EXECUTIVE DEPARTMENT.

§ 1. The Executive power is vested in a Governor, who shall hold his office for two years. A Lieutenant Governor shall be chosen for the same term.

§ 2. No person shall be eligible to the office of Governor or Lieutenant Governor, who has not been five years a citizen of the United States, and a resident of this State two years next preceding his election; nor shall any person be eligible to either office who has not attained the age of thirty years.

§ 3. The Governor and Lieutenant Governor shall be elected at the times and places of choosing the members of the Legislature. The person having the highest number of votes for Governor or Lieutenant Governor shall be elected. In case two or more persons shall have an equal and the highest number of votes for Governor or Lieutenant Governor, the Legislature shall, by joint vote, choose one of such persons.

§ 4. The Governor shall be Commander-in-Chief of the military and naval forces, and may call out such forces to execute the laws, to suppress insurrections and to repel invasions.

§ 5. He shall transact all necessary business with officers of government, and may require information, in writing, from the officers of the Executive department, upon any subject relating to the duties of their respective offices.

§ 6. He shall take care that the laws be faithfully executed.

§ 7. He may convene the Legislature on extraordinary occasions.

§ 8. He shall give to the Legislature, and at the close of his official term to the next Legislature, information by message of the condition of the State, and recommend such measures to them as he shall deem expedient.

§ 9. He may convene the Legislature at some other place when the seat of government becomes dangerous from disease or a common enemy.

§ 10. He shall issue writs of election to fill such vacancies as occur in the Senate or House of Representatives.

§ 11. He may grant reprieves, commutations and pardons after convictions, for all offences except treason and cases of impeachment, upon such conditions, and with such restrictions and limitations, as he may think proper, subject to regulations provided by law, relative to the manner of applying for pardons. Upon conviction for treason, he may suspend the execution of the sentence until the case shall be reported to the Legislature at its next session, when the Legislature shall either pardon, or commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall communicate to the Legislature at each session information of each case of reprieve, commutation or pardon granted, and the reasons therefor.

§ 12. In case of the impeachment of the Governor, his removal from office, death, inability, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant Governor for the residue of the term, or until the disability ceases. When the Governor shall be out of the State in time of war, at the head of a military force thereof, he shall continue Commander-in-Chief of all the military force of the State.

§ 13. During a vacancy in the office of Governor, if the Lieutenant Governor die, resign, be impeached, displaced, be incapable of performing the duties of his office, or absent from the State, the President *pro tempore* of the Senate shall act as Governor, until the vacancy be filled, or the disability cease.

§ 14. The Lieutenant Governor shall, by virtue of his office, be President of the Senate. In committee of the whole he may debate all questions; and when there is an equal division, he shall give the casting vote.

§ 15. No member of Congress, nor any person holding office under the United States, or this State, shall execute the office of Governor.

§ 16. No person elected Governor or Lieutenant Governor, shall be eligible to any office or appointment from the Legislature, or either house thereof during the time for which he was elected. All votes for either of them, for any such office, shall be void.

§ 17. The Lieutenant [Governor] and President of the Senate *pro tempore*, when performing the duties of Governor, shall receive the same compensation as the Governor.

§ 18. All official acts of the Governor, his approval of the laws excepted, shall be authenticated by the Great Seal of the State, which shall be kept by the Secretary of State.

§ 19. All commissions issued to persons holding office under the provisions of this constitution, shall be in the name and by the authority of the people of the State of Michigan, sealed with the Great Seal of the State, signed by the Governor, and countersigned by the Secretary of State.

## ARTICLE VI.

### JUDICIAL DEPARTMENT.

§ 1. The judicial power is vested in one supreme court, in circuit courts, in probate courts, and in justices of the peace. Municipal courts of civil and criminal jurisdiction may be established by the Legislature in cities.

§ 2. For the term of six years, and thereafter, until the Legislature otherwise provide, the judges of the several circuit courts shall be judges of the supreme court, four of whom shall constitute a quorum. A concurrence of three shall be necessary to a final decision. After six years the Legislature may provide by law for the organization of a supreme court, with the jurisdiction and powers prescribed in this constitution, to consist of one chief justice and three associate justices, to be chosen by the electors of the State. Such supreme court, when so organized shall not be changed or discontinued by the Legislature for eight years thereafter. The judges thereof shall be so classified that but one of them shall go out of office at the same time. Their term of office shall be eight years.

§ 3. The supreme court shall have a general superintending control over all inferior courts, and shall have power to issue writs of error, habeas corpus, mandamus, quo warranto, procedendo, and other original and remedial writs, and to hear and determine the same. In all other cases it shall have appellate jurisdiction only.

§ 4. Four terms of the supreme court shall be held annually, at such times and places as may be designated by law.

§ 5. The supreme court shall, by general rules, establish, modify and amend the practice in such court and in the circuit courts, and simplify the same. The Legislature shall, as far as practicable, abolish distinctions between law and equity proceedings. The office of master in chancery is prohibited.

§ 6. The State shall be divided into eight judicial circuits; in each of which the electors thereof shall elect one circuit judge, who shall hold his office for the term of six years, and until his successor is elected and qualified.

§ 7. The Legislature may alter the limits of circuits or increase the number of the same. No alteration or increase shall have the effect to remove a judge from office. In every additional circuit established the judge shall be elected by the electors of such circuit, and his term of office shall continue as provided in this constitution for judges of the circuit court.

§ 8. The circuit courts shall have original jurisdiction in all matters civil and criminal, not excepted in this constitution, and not prohibited by law; and appellate jurisdiction from all inferior courts and tribunals, and a supervisory control of the same. They shall also have power to issue writs of habeas corpus, mandamus, injunction, quo warranto, certiorari and other writs necessary to carry into effect their orders, judgments and decrees, and give them a general control over inferior courts and tribunals within their respective jurisdictions.

§ 9. Each of the judges of the circuit courts shall receive a salary payable quarterly. They shall be ineligible to any other than a judicial office during the term for which they are elected, and for one year thereafter. All votes for any person elected such judge for any office other than judicial, given either by the Legislature or the people, shall be void.

§ 10. The supreme court may appoint a reporter of its decisions. The decisions of the supreme court shall be in writing, and signed by the judges concurring therein. Any judge dissenting therefrom, shall give the reasons of such dissent in writing, under his signature. All such opinions shall be filed in the office of the clerk of the supreme court. The judges of the circuit court within their respective jurisdictions, may fill vacancies in the office of county clerk and of prosecuting attorney; but no judge of the supreme court, or circuit court, shall exercise any other power of appointment to public office.

§ 11. A circuit court shall be held at least twice in each year in every county organized for judicial purposes, and four times in each year in counties containing ten thousand inhabitants. Judges of the circuit court may hold courts for each other, and shall do so when required by law.

§ 12. The clerk of each county organized for judicial purposes shall be the clerk of the circuit court of such county, and of the supreme court when held within the same.

§ 13. In each of the counties organized for judicial purposes, there shall be a court of probate. The judge of such court shall be elected by the electors of the county in which he resides, and shall hold his office for four years, and until his successor is elected and qualified. The jurisdiction, powers and duties of such court shall be prescribed by law.

§ 14. When a vacancy occurs in the office of judge of the supreme, circuit or probate court, it shall be filled by appointment of the Governor, which shall continue until a successor is elected and qualified. When elected, such successor shall hold his office the residue of the unexpired term.

§ 15. The supreme court, the circuit and probate courts of each county, shall be courts of record, and shall each have a common seal.

§ 16. The Legislature may provide by law for the election of one or more persons in each organized county, who may be vested with judicial powers, not exceeding those of a judge of the circuit court at chambers.

§ 17. There shall be not exceeding four justices of the peace in each organized township. They shall be elected by the electors of

the townships, and shall hold their offices for four years, and until their successors are elected and qualified. At the first election in any township, they shall be classified as shall be prescribed by law. A justice elected to fill a vacancy shall hold his office for the residue of the unexpired term. The Legislature may increase the number of justices in cities.

§ 18. In civil cases justices of the peace shall have exclusive jurisdiction to the amount of one hundred dollars, and concurrent jurisdiction to the amount of three hundred dollars, which may be increased to five hundred dollars, with such exceptions and restrictions as may be provided by law. They shall also have such criminal jurisdiction and perform such duties as shall be prescribed by the Legislature.

§ 19. Judges of the supreme court, circuit judges, and justices of the peace, shall be conservators of the peace within their respective jurisdictions.

§ 20. The first election of judges of the circuit courts, shall be held on the first Monday in April, one thousand eight hundred and fifty-one, and every sixth year thereafter. Whenever an additional circuit is created, provision shall be made to hold the subsequent election of such additional judges at the regular elections herein provided.

§ 21. The first election of judges of the probate courts shall be held on the Tuesday succeeding the first Monday of November, one thousand eight hundred and fifty-two, and every fourth year thereafter.

§ 22. Whenever a judge shall remove beyond the limits of the jurisdiction for which he was elected, or a justice of the peace from the township in which he was elected, or by a change in the boundaries of such township shall be placed without the same, they shall be deemed to have vacated their respective offices.

§ 23. The Legislature may establish courts of conciliation, with such powers and duties as shall be prescribed by law.

§ 24. Any suitor in any court of this State shall have the right to prosecute or defend his suit, either in his own proper person, or by an attorney or agent of his choice.

§ 25. In all prosecutions for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury, that the matter

charged as libellous, is true, and was published with good motives and for justifiable ends, the party shall be acquitted. The jury shall have the right to determine the law and the fact.

§ 26. The person, houses, papers and possessions of every person shall be secure from unreasonable searches and seizures. No warrant to search any place or to seize any person or things, shall issue without describing them, nor without probable cause, supported by oath or affirmation.

§ 27. The right of trial by jury shall remain, but shall be deemed to be waived in all civil cases unless demanded by one of the parties in such manner as shall be prescribed by law.

§ 28. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than twelve men in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and have the assistance of counsel for his defence.

§ 29. No person, after acquittal upon the merits, shall be tried for the same offence; all persons shall, before conviction, be bailable by sufficient sureties, except for murder and treason, when the proof is evident or the presumption great.

§ 30. Treason against the State shall consist only in levying war against, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless upon the testimony of two witnesses to the same overt act, or on confession in open court.

§ 31. Excessive bail shall not be required; excessive fines shall not be imposed; cruel or unusual punishment shall not be inflicted, nor shall witnesses be unreasonably detained.

§ 32. No person shall be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty or property, without due process of law.

§ 33. No person shall be imprisoned for debt arising out of, or founded on a contract, express or implied, except in cases of fraud or breach of trust, or of moneys collected by public officers or in any

professional employment. No person shall be imprisoned for a militia fine in time of peace.

§ 34. No person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief.

§ 35. The style of all process shall be: "In the name of the people of the State of Michigan."

## ARTICLE VII.

### ELECTIONS.

§ 1. In all elections, every white male citizen every white male inhabitant residing in the State on the twenty-fourth day of June, one thousand eight hundred and thirty-five; every white male inhabitant residing in this State on the first day of January, one thousand eight hundred and fifty, who has declared his intention to become a citizen of the United States, pursuant to the laws thereof, six months preceding an election, or who has resided in this State two years and six months, and declared his intention as aforesaid, and every civilized male inhabitant of Indian descent, a native of the United States and not a member of any tribe, shall be an elector and entitled to vote; but no citizen or inhabitant shall be an elector or entitled to vote at any election, unless he shall be above the age of twenty-one years, and has resided in this State three months, and in the township or ward in which he offers to vote, ten days next preceding such election.

§ 2. All votes shall be given by ballot, except for such township officers as may be authorized by law to be otherwise chosen.

§ 3. Every elector, in all cases, except treason, felony, or breach of the peace, shall be privileged from arrest during his attendance at election, and in going to and returning from the same.

§ 4. No elector shall be obliged to do militia duty on the day of election, except in time of war or public danger, or attend court as a suitor or witness.

§ 5. No elector shall be deemed to have gained or lost a residence, by reason of his being employed in the service of the United States, or of this State; nor while engaged in the navigation of the waters of this State or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any alms-house or other asylum at public expense; nor while confined in any public prison.

§ 6. Laws may be passed to preserve the purity of elections, and guard against abuses of the elective franchise.

§ 7. No soldier, seaman, nor marine, in the army or navy of the United States, shall be deemed a resident of this State, in consequence of being stationed in any military or naval place within the same.

§ 8. Any inhabitant who may hereafter be engaged in a duel, either as principal or accessory before the fact, shall be disqualified from holding any office under the constitution and laws of this State and shall not be permitted to vote at any election.

## ARTICLE VIII.

### STATE OFFICERS.

§ 1. There shall be elected at each general biennial election a Secretary of State, a Superintendent of Public Instruction, a State Treasurer, a Commissioneer of the Land Office, an Auditor General, and an Attorney General, for the term of two years. They shall keep their offices at the seat of government, and shall perform such duties as may be prescribed by law.

§ 2. Their term of office shall commence on the first day of January, one thousand eight hundred and fifty-three, and of every second year thereafter.

§ 3. Whenever a vacancy shall occur in any of the State offices, the Governor shall fill the same by appointment, by and with the advice and consent of the Senate, if in session.

§ 4. The Secretary of State, State Treasurer, and Commissioner of the State Land Office shall constitute a Board of State Auditors to examine and adjust all claims against the State, not otherwise provided for by general law. They shall constitute a Board of State Canvassers to determine the result of all elections for Governor, Lieutenant Governor and State Officers, and of such other officers as shall by law be referred to them.

§ 5. In case two or more persons have an equal and the highest number of votes for any office, as canvassed by the Board of State Canvassers, the Legislature, in joint Convention, shall choose one of said persons to fill such office. When the determination of the Board of State Canvassers is contested, the Legislature, in Joint Convention, shall decide which person is elected.

## ARTICLE IX.

### SALARIES.

§ 1. The Governor shall receive an annual salary of one thousand dollars; the Judges of the Circuit Court shall each receive an annual

salary of one thousand five hundred dollars; the State Treasurer shall receive an annual salary of one thousand dollars; the Auditor General shall receive an annual salary of one thousand dollars; the Superintendent of Public Instruction shall receive an annual salary of one thousand dollars; the Secretary of State shall receive an annual salary of eight hundred dollars; the Commissioner of the Land Office shall receive an annual salary of eight hundred dollars; the Attorney General shall receive an annual salary of eight hundred dollars. They shall receive no fees or perquisites, whatever, for the performance of any duties connected with their offices. It shall not be competent for the Legislature to increase the salaries herein provided.

#### ARTICLE X.

##### COUNTIES.

§ 1. Each organized county, shall be a body corporate with such powers and immunities as shall be established by law. All suits and proceedings, by or against a county, shall be in the name thereof.

§ 2. No organized county, shall ever be reduced by the organization of new counties to less than sixteen townships, as surveyed by the United States, unless in pursuance of law, a majority of electors residing in each county to be affected thereby, shall so decide. The Legislature may organize any city into a separate county, when it has attained a population of twenty thousand inhabitants, without reference to geographical extent, when a majority of the electors of a county in which such city may be situated, voting thereon, shall be in favor of a separate organization.

§ 3. In each organized county there shall be a sheriff, a county clerk, a county treasurer, a register of deeds and a prosecuting attorney, chosen by the electors thereof, once in two years, and as often as vacancies shall happen, whose duties and powers shall be prescribed by law. The board of supervisors in any county may unite the offices of county clerk and register of deeds in one office, or disconnect the same.

§ 4. The sheriff, county clerk, county treasurer, judge of probate and register of deeds, shall hold their offices at the county seat.

§ 5. The sheriff shall hold no other office, and shall be incapable of holding the office of sheriff longer than four in any period of six years. He may be required by law to renew his security from time to time, and in default of giving such security, his office shall be

deemed vacant. The county shall never be responsible for his acts.

§ 6. A board of supervisors, consisting of one from each organized township, shall be established in each county, with such powers as shall be prescribed by law.

§ 7. Cities shall have such representation in the board of supervisors of the counties in which they are situated, as the Legislature may direct.

§ 8. No county seat, once established, shall be removed, until the place to which it is proposed to be removed shall be designated by two-thirds of the board of supervisors of the county, and a majority of the electors voting thereon shall have voted in favor of the proposed location, in such manner as shall be prescribed by law.

§ 9. The board of supervisors of any county may borrow or raise by tax one thousand dollars, for constructing or repairing public buildings, highways or bridges; but no greater sum shall be borrowed or raised by tax for such purpose in any one year, unless authorized by a majority of the electors of such county voting thereon.

§ 10. The board of supervisors, or in the county of Wayne, the board of county auditors, shall have the exclusive power to prescribe and fix the compensation for all services rendered for, and to adjust all claims against their respective counties, and the sum so fixed or defined shall be subject to no appeal.

§ 11. The board of supervisors of each organized county may provide for laying out highways, constructing bridges, and organizing townships, under such restrictions and limitations as shall be prescribed by law.

## ARTICLE XI.

### TOWNSHIPS.

§ 1. There shall be elected annually, on the first Monday of April, in each organized township, one supervisor, one township clerk, who shall be ex-officio school inspector, one commissioner of highways, one township treasurer, one school inspector, not exceeding four constables, and one overseer of highways for each highway district, whose powers and duties shall be prescribed by law.

§ 2. Each organized township shall be a body corporate, with such powers and immunities as shall be prescribed by law. All suits and proceedings by or against a township, shall be in the name thereof.

## ARTICLE XII.

## IMPEACHMENTS AND REMOVALS FROM OFFICE.

§ 1. The House of Representatives shall have the sole power of impeaching civil officers for corrupt conduct in office, or for crimes or misdemeanors; but a majority of the members elected shall be necessary to direct an impeachment.

§ 2. Every impeachment shall be tried by the Senate. When the Governor or Lieutenant Governor is tried, the Chief Justice of the Supreme Court shall preside. When an impeachment is directed the Senate shall take an oath or affirmation truly and impartially to try and determine the same according to the evidence. No person shall be convicted without the concurrence of two-thirds of the members elected. Judgment, in case of impeachment, shall not extend further than removal from office; but the party convicted shall be liable to punishment according to law.

§ 3. When an impeachment is directed the House of Representatives shall elect from their own body three members, whose duty it shall be to prosecute such impeachment. No impeachment shall be tried until the final adjournment of the Legislature, when the Senate shall proceed to try the same.

§ 4. No judicial officer shall exercise his office, after an impeachment is directed, until he is acquitted.

§ 5. The Governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an officer until he shall be acquitted, or until after the election and qualification of a successor.

§ 6. For reasonable cause, which shall not be sufficient ground for the impeachment of a judge, the Governor shall remove him on a concurrent resolution of two-thirds of the members elected to each house of the Legislature; but the cause for which such removal is required shall be stated at length in such resolution.

§ 7. The Legislature shall provide by law for the removal of any officer elected by a county, township or school district, in such manner and for such cause as to them shall seem just and proper.

## ARTICLE XIII.

## EDUCATION.

§ 1. The Superintendent of Public Instruction shall have the gen-

eral supervision of public instruction, and his duties shall be prescribed by law.

§ 2. The proceeds from the sales of all lands that have been or hereafter may be granted by the United States to the State, for educational purposes, and the proceeds of all lands or other property given by individuals or appropriated by the State for like purposes, shall be and remain a perpetual fund, the interest and income of which, together with the rents of all such lands as may remain unsold, shall be inviolably appropriated and annually applied to the specific objects of the original gift, grant or appropriation.

§ 3. All lands, the titles to which shall fail from a defect of heirs, shall escheat to the State; and the interest on the clear proceeds from the sales thereof, shall be appropriated exclusively to the support of primary schools.

§ 4. The Legislature shall, within five years from the adoption of this constitution, provide for and establish a system of primary schools, whereby a school shall be kept without charge for tuition, at least three months in each year, in every school district in the State, and all instruction in said schools shall be conducted in the English language.

§ 5. A school shall be maintained in each school district at least three months in each year. Any school district neglecting to maintain such school, shall be deprived for the ensuing year, of its proportion of the income of the primary school fund, and of all funds arising from taxes for the support of schools.

§ 6. There shall be elected in each judicial circuit, at the time of the election of the judge of such circuit, a regent of the University, whose term of office shall be the same as that of such judge. The regents thus elected shall constitute the Board of Regents of the University of Michigan.

§ 7. The regents of the University and their successors in office, shall continue to constitute the body corporate, known by the name and title of "the regents of the University of Michigan."

§ 8. The regents of the University shall, at their first annual meeting, or as soon thereafter as may be, elect a President of the University, who shall be *ex officio* a member of their board, with the privilege of speaking but not of voting. He shall preside at the meet-

ings of the regents, and be the principal executive officer of the University. The board of regents shall have the general supervision of the University, and the direction and control of all expenditures from the University interest fund.

§ 9. There shall be elected at the general election in the year one thousand eight hundred and fifty-two, three members of a State Board of Education, one for two years, one for four years, and one for six years; and at each succeeding biennial election, there shall be elected one member of such board, who shall hold his office for six years. The Superintendent of Public Instruction shall be *ex officio* a member and secretary of such board. The board shall have the general supervision of the State Normal School, and their duties shall be prescribed by law.

§ 10. Institutions for the benefit of those inhabitants who are deaf, dumb, blind or insane, shall always be fostered and supported.

§ 11. The Legislature shall encourage the promotion of intellectual, scientific and agricultural improvement; and shall, as soon as practicable, provide for the establishment of an agricultural school. The Legislature may appropriate the twenty-two sections of salt spring lands now unappropriated, or the money arising from the sale of the same, where such lands have been already sold, and any land which may hereafter be granted or appropriated for such purpose, for the support and maintenance of such school, and may make the same a branch of the University for instruction in agriculture and the natural sciences connected therewith, and place the same under the supervision of the Regents of the University.

§ 12. The Legislature shall also provide for the establishment of at least one library in each township; and all fines assessed and collected in the several counties and townships for any breach of the penal laws, shall be exclusively applied to the support of such libraries.

#### ARTICLE XIV.

##### FINANCE AND TAXATION.

§ 1. All specific State taxes, except those received from the mining companies of the Upper Peninsula, shall be applied in paying the interest upon the primary school, university and other educational funds, and the interest and principal of the State debt, in the order herein reci-

ted, until the extinguishment of the State debt, other than the amounts due to educational funds, when such specific taxes shall be added to, and constitute a part of the primary school interest fund. The Legislature shall provide for an annual tax, sufficient, with other resources, to pay the estimated expenses of the State Government, the interest of the State debt, and such deficiency as may occur in the resources.

§ 2. The Legislature shall provide by law, a sinking fund of at least twenty thousand dollars a year, to commence in eighteen hundred and fifty-two, with compound interest at the rate of six per cent per annum, and an annual increase of at least five per cent., to be applied solely to the payment and extinguishment of the principal of the State debt, other than the amounts due to educational funds, and shall be continued until the extinguishment thereof. The unfunded debt shall not be funded or redeemed at a value exceeding that established by law in one thousand eight hundred and forty-eight.

§ 3. The State may contract debts to meet deficits in revenue. Such debts shall not in the aggregate at any one time exceed fifty thousand dollars. The moneys so raised shall be applied to the purposes for which they were obtained, or to the payment of the debts so contracted.

§ 4. The State may contract debts to repel invasion, suppress insurrection, or defend the State in time of war. The money arising from the contracting of such debts shall be applied to the purposes for which it was raised, or to repay such debts.

§ 5. No money shall be paid out of the treasury except in pursuance of appropriations made by law.

§ 6. The credit of the State shall not be granted to, or in aid of any person, association or corporation.

§ 7. No scrip, certificate or other evidence of State indebtedness shall be issued, except for the redemption of stock previously issued, or for such debts as are expressly authorized in this constitution.

§ 8. The state shall not subscribe to, or be interested in, the stock of any company, association or corporation.

§ 9. The State shall not be a party to, or interested in, any work of internal improvement, nor engaged in carrying on any such work, except in the expenditure of grants to the State of land or other property.

§ 10. The State may continue to collect all specific taxes accruing to the treasury under existing laws. The Legislature may provide for the collection of specific taxes, from banking, rail road, plank road, and other corporations hereafter created.

§ 11. The Legislature shall provide an uniform rule of taxation, except on property paying specific taxes and taxes shall be levied on such property as shall be prescribed by law.

§ 12. All assessments hereafter authorized shall be on property at its cash value.

§ 13. The Legislature shall provide for an equalization by a State Board, in the year one thousand eight hundred and fifty-one, and every fifth year thereafter, of assessments on all taxable property, except that paying specific taxes.

§ 14. Every law which imposes, continues or revives a tax, shall distinctly state the tax, and the object to which it is to be applied; and it shall not be sufficient to refer to any other law to fix such tax or object.

## ARTICLE XV.

### CORPORATIONS.

§ 1. Corporations may be formed under general laws; but shall not be created by special act, except for municipal purposes. All laws passed pursuant to this section may be altered, amended or repealed.

§ 2. No banking law or law for banking purposes, or amendments thereof, shall have effect until the same shall, after its passage, be submitted to a vote of the electors of the State, at a general election, and be approved by a majority of the votes cast thereon at such election.

§ 3. The officers and stockholders of every corporation or association for banking purposes, issuing bank notes or paper credits to circulate as money, shall be individually liable for all debts contracted during the time of their being officers or stockholders of such corporation or association.

§ 4. The Legislature shall provide by law for the registry of all bills or notes issued or put in circulation as money, and shall require security to the full amount of notes and bills so registered in State or United States stocks, bearing interest, which shall be deposited with the State Treasurer, for the redemption of such bills or notes in specie.

§ 5. In case of the insolvency of any bank or banking association, the bill holders thereof shall be entitled to preference in payment, over all other creditors of such bank or association.

§ 6. The Legislature shall pass no law authorizing or sanctioning the suspension of specie payments by any person, association or corporation.

§ 7. The stockholders of all corporations and joint stock associations shall be individually liable for all labor performed for such corporation or association.

§ 8. The Legislature shall pass no law altering or amending any act of incorporation heretofore granted, without the assent of two-thirds of the members elected to each house; nor shall any such act be renewed or extended. This restriction shall not apply to municipal corporations.

§ 9. The property of no person shall be taken by any corporation for public use without compensation being first made or secured, in such manner as may be prescribed by law.

§ 10. No corporation, except for municipal purposes, or for the construction of rail roads, plank roads and canals, shall be created for a longer time than thirty years.

§ 11. The term "corporations," as used in the preceding sections of this article, shall be construed to include all associations and joint stock companies having any of the powers or privileges of corporations, not possessed by individuals or partnerships. All corporations shall have the right to sue, and be subject to be sued, in all courts, in like cases as natural persons. .

§ 12. No corporation shall hold any real estate hereafter acquired, for a longer period than ten years, except such real estate as shall be actually occupied by such corporation in the exercise of its franchises.

§ 13. The Legislature shall provide for the incorporation and organization of cities and villages, and shall restrict their powers of taxation, borrowing money, contracting debts and loaning their credit.

§ 14. Judicial officers of cities and villages shall be elected, and all other officers shall be elected or appointed at such time and in such manner as the Legislature may direct.

§ 15. Private property shall not be taken for public improvements in cities and villages without the consent of the owner, unless the

compensation therefor shall first be determined by a jury of free-holders, and actually paid or secured in the manner provided by law.

§ 16. Previous notice of any application for an alteration of the charter of any corporation shall be given in such manner as may be prescribed by law.

#### ARTICLE XVI.

##### EXEMPTIONS.

§ 1. The personal property of every resident of this State, to consist of such property only as shall be designated by law, shall be exempted to the amount of not less than five hundred dollars from sale on execution or other final process of any court issued for the collection of any debt contracted after the adoption of this constitution.

§ 2. Every homestead of not exceeding forty acres of land, and the dwelling-house thereon, and the appurtenances to be selected by the owner thereof, and not included in any town plat, city or village; or instead thereof, at the option of the owner, any lot in any city, village, or recorded town plat, or such parts of lots as shall be equal thereto, and the dwelling-house thereon and its appurtenances, owned and occupied by any resident of the State, not exceeding in value fifteen hundred dollars, shall be exempt from forced sale on execution or any other final process from a court, for any debt contracted after the adoption of this constitution. Such exemption shall not extend to any mortgage thereon lawfully obtained; but such mortgage or other alienation of such land, by the owner thereof, if a married man, shall not be valid without the signature of the wife to the same.

§ 3. The homestead of a family, after the death of the owner thereof, shall be exempt from the payment of his debts, contracted after the adoption of this constitution, in all cases, during the minority of his children.

§ 4. If the owner of a homestead die, leaving a widow, but no children, the same shall be exempt, and the rents and profits thereof shall accrue to her benefit during the time of her widowhood, unless she be the owner of a homestead in her own right.

§ 5. The real and personal estate of every female, acquired before marriage, and all property to which she may afterwards become

entitled, by gift, grant, inheritance or devise, shall be and remain the estate and property of such female, and shall not be liable for the debts, obligations or engagements of her husband; and may be devised or bequeathed by her as if she were unmarried.

### ARTICLE XVII.

#### MILITIA.

§ 1. The militia shall be composed of all able bodied white male citizens between the ages of eighteen and forty-five years, except such as are exempted by the laws of the United States or of this State; but all such citizens of any religious denomination whatever, who, from scruples of conscience, may be averse to bearing arms, shall be excused therefrom, upon such conditions as shall be prescribed by law.

§ 2. The Legislature shall provide by law for organizing, equipping and disciplining the militia, in such manner as they shall deem expedient, not incompatible with the laws of the United States.

§ 3. Officers of the militia shall be elected or appointed and be commissioned in such manner as may be provided by law.

### ARTICLE XVIII.

#### MISCELLANEOUS PROVISIONS.

§ 1. Members of the Legislature, and all officers, executive and judicial, except such officers as may by law be exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm,) that I will support the constitution of the United States and the constitution of this State, and that I will faithfully discharge the duties of the office of \_\_\_\_\_ according to the best of my ability." And no other oath, declaration or test shall be required as a qualification for any office or public trust.

§ 2. When private property is taken for the use or benefit of the public, the necessity for using such property, and the just compensation to be made therefor, except when to be made by the State, shall be ascertained by a jury of twelve freeholders, residing in the vicinity of such property, or by not less than three commissioners, appointed by a court of record, as shall be prescribed by law.

§ 3. No mechanical trade shall hereafter be taught to convicts in the state prison of this State, except the manufacture of those arti-

cles, of which the chief supply for home consumption is imported from other states or countries.

§ 4. No navigable stream in this State, shall be either bridged or dammed without authority from the board of supervisors of the proper county, under the provisions of law. No such law shall prejudice the right of individuals to the free navigation of such streams, or preclude the State from the further improvement of the navigation of such stream.

§ 5. An accurate statement of the receipts and expenditures of the public moneys shall be attached to, and published with the laws, at every regular session of the Legislature.

§ 6. The laws, public records, and the written judicial and Legislative proceedings of the State, shall be conducted, promulgated and preserved in the English language.

§ 7. Every person has a right to bear arms for the defence of himself and the State.

§ 8. The military shall, in all cases, and at all times, be in strict subordination to the civil power.

§ 9. No soldier shall, in time of peace, be quartered in any house without the consent of the owner or occupant, nor in time of war, except in a manner prescribed by law.

§ 10. The people have the right peaceably to assemble together, to consult for the common good, to instruct their Representatives, and to petition the Legislature for redress of grievances.

§ 11. Neither slavery, nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this State.

§ 12. No lease or grant hereafter of agricultural land for a longer period than twelve years, reserving any rent or service of any kind, shall be valid.

§ 13. Aliens who are, or who may hereafter become *bona fide* residents of this State, shall enjoy the same rights in respect to the possession, enjoyment and inheritance of property, as native born citizens.

§ 14. The property of no person shall be taken for public use without just compensation therefor. Private roads may be opened in the manner to be prescribed by law; but in every case the necessity of the road and the amount of all damages to be sustained by the

opening thereof, shall be first determined by a jury of freeholders; and such amount, together with the expenses of proceedings, shall be paid by the person or persons to be benefitted.

§ 15. No general revision of the laws shall hereafter be made. When a re-print thereof becomes necessary, the Legislature in joint convention, shall appoint a suitable person to collect together such acts and parts of acts as are in force, and without alteration, arrange them under appropriate heads and titles. The laws so arranged shall be submitted to two commissioners appointed by the Governor for examination, and if certified by them to be a correct compilation of all general laws in force, shall be printed in such manner as shall be prescribed by law.

#### ARTICLE XIX.

##### UPPER PENINSULA.

§ 1. The counties of Mackinac, Chippewa, Delta, Marquette, Schoolcraft, Houghton and Ontonagon, and the islands and territory thereunto attached, the islands of Lake Superior, Huron and Michigan, and in Green Bay, and the straits of Mackinac and the River Ste Marie, shall constitute a separate judicial district, and be entitled to a district judge and district attorney.

§ 2. The district judge shall be elected by the electors of such district, and shall perform the same duties and possess the same powers as a circuit judge in his circuit, and shall hold his office for the same period.

§ 3. The district attorney shall be elected every two years by the electors of the district, shall perform the duties of prosecuting attorney throughout the entire district, and may issue warrants for the arrest of offenders in cases of felony, to be proceeded with as shall be prescribed by law.

§ 4. Such judicial district shall be entitled at all times to at least one Senator, and until entitled to more by its population, it shall have three members of the House of Representatives, to be apportioned among the several counties by the Legislature.

§ Sec. 5. The Legislature may provide for the payment of the district judge a salary not exceeding one thousand dollars a year, and of the district attorney not exceeding seven hundred dollars a year; and may allow extra compensation to the members of the Legisla-

tare from such territory, not exceeding two dollars a day during any session.

§ 6. The elections for all district or county officers, State Senator or Representatives, within the boundaries defined in this article, shall take place on the last Tuesday of September in the respective years in which they may be required. The county canvass shall be held on the first Tuesday in October thereafter, and the district canvass on the last Tuesday of said October.

§ 7. One-half of the taxes received into the treasury from mining corporations in the Upper Peninsula paying an annual State tax of one per cent., shall be paid to the treasurers of the counties from which it is received, to be applied for township and county purposes, as provided by law. The Legislature shall have power, after the year one thousand eight hundred and fifty-five, to reduce the amount to be refunded.

§ 8. The Legislature may change the location of the State Prison from Jackson to the Upper Peninsula.

§ 9. The charters of the several mining corporations may be modified by the Legislature, in regard to the term limited for subscribing to stock, and in relation to the quantity of land which a corporation shall hold; but the capital shall not be increased, nor the time for the existence of charters extended. No such corporation shall be permitted to purchase or hold any real estate, except such as shall be necessary for the exercise of its corporate franchises.

## ARTICLE XX.

### AMENDMENT AND REVISION OF THE CONSTITUTION.

§ 1. Any amendment or amendments to this constitution may be proposed in the Senate or House of Representatives. If the same shall be agreed to by two-thirds of the members elected to each house, such amendment or amendments shall be entered on their journals respectively, with the yeas and nays taken thereon; and the same shall be submitted to the electors at the next general election thereafter, and if a majority of the electors qualified to vote for members of the Legislature voting thereon, shall ratify and approve such amendment or amendments, the same shall become part of the constitution.

§ 2. At the general election to be held in the year one thousand

eight hundred and sixty-six, and in each sixteenth year thereafter, and also at such other times as the Legislature may by law provide, the question of a general revision of the constitution shall be submitted to the electors qualified to vote for members of the Legislature; and in case a majority of the electors so qualified, voting at such election, shall decide in favor of a convention for such purpose, the Legislature, at the next session, shall provide by law for the election of delegates to such convention. All the amendments shall take effect at the commencement of the political year after their adoption.

## SCHEDULE.

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That no inconvenience may arise from the changes in the constitution of this State, and in order to carry the same into complete operation, it is hereby declared, that

§ 1. The common law and the statute laws now in force, not repugnant to this constitution, shall remain in force until they expire by their own limitations, or are altered or repealed by the Legislature.

§ 2. All writs, actions, causes of action, prosecutions and rights of individuals and of bodies corporate, and of the State, and all charters of incorporation, shall continue; and all indictments which shall have been found, or which may hereafter be found, for any crime or offence committed before the adoption of this constitution, may be proceeded upon as if no change had taken place. The several courts, except as herein otherwise provided, shall continue with the like powers and jurisdiction, both at law and in equity, as if this constitution had not been adopted, and until the organization of the judicial department under this constitution.

§ 3. That all fines, penalties, forfeitures and escheats accruing to the State of Michigan under the present constitution and laws, shall accrue to the use of the State under this constitution.

§ 4. That all recognizances, bonds, obligations, and all other instruments entered into or executed before the adoption of this constitution, to the people of the State of Michigan, to any State, county or township, or any public officer or public body, or which may be entered into or executed, under existing laws, "to the people of the

State of Michigan," to any such officer or public body, before the complete organization of the departments of government under this constitution, shall remain binding and valid; and rights and liabilities upon the same shall continue, and may be prosecuted as provided by law. And all crimes and misdemeanors and penal actions, shall be tried, punished and prosecuted, as though no change had taken place, until otherwise provided by law.

§ 5. A Governor and Lieutenant Governor shall be chosen under the existing constitution and laws, to serve after the expiration of the term of the present incumbent.

§ 6. All officers, civil and military, now holding any office or appointment, shall continue to hold their respective offices, unless removed by competent authority, until superseded under the laws now in force, or under this constitution.

§ 7. The members of the Senate and House of Representatives of the Legislature of one thousand eight hundred and fifty-one, shall continue in office under the provisions of law, until superseded by their successors elected and qualified under this constitution.

§ 8. All county officers, unless removed by competent authority, shall continue to hold their respective offices until the first day of January, in the year one thousand eight hundred and fifty-three. The laws now in force as to the election, qualification and duties of township officers, shall continue in force until the Legislature shall, in conformity to the provisions of this constitution, provide for the holding of elections to fill such offices, and prescribe the duties of such officers respectively.

§ 9. On the first day of January, in the year one thousand eight hundred and fifty-two, the terms of office of the judges of the supreme court, under existing laws, and of the judges of the county courts, and of the clerks of the supreme court, shall expire on the said day.

§ 10. On the first day of January, in the year one thousand eight hundred and fifty-two, the jurisdiction of all suits and proceedings then pending in the present supreme courts, shall become vested in the supreme court established by this constitution, and shall be finally adjudicated by the court where the same may be pending. The jurisdiction of all suits and proceedings at law and equity, then pending in the circuit courts and county courts for the several counties, shall

become vested in the circuit courts of the said counties, and district court for the Upper Peninsula.

§ 11. The probate courts, the courts of justices of the peace and the police court authorized by an act entitled "An act to establish a police court in the city of Detroit," approved April second, one thousand eight hundred and fifty, shall continue to exercise the jurisdiction and powers now conferred upon them respectively, until otherwise provided by law.

§ 12. The office of State Printer shall be vested in the present incumbent until the expiration of the term for which he was elected under the law then in force; and all the provisions of the said law relating to his duties, rights, privileges and compensation, shall remain unimpaired and inviolate until the expiration of his said term of office.

§ 13. It shall be the duty of the Legislature, at their first session, to adapt the present laws to the provisions of this constitution, as far as may be.

§ 14. The Attorney General of the State is required to prepare and report to the Legislature, at the commencement of the next session, such changes and modifications in existing laws as may be deemed necessary to adapt the same to this constitution, and as may be best calculated to carry into effect its provisions; and he shall receive no additional compensation therefor.

§ 15. Any territory attached to any county for judicial purposes, if not otherwise represented, shall be considered as forming part of such county, so far as regards elections for the purpose of representation.

§ 16. This constitution shall be submitted to the people for their adoption or rejection, at the general election to be held on the first Tuesday of November, one thousand eight hundred and fifty; and there shall also be submitted for adoption or rejection, at the same time the separate resolution in relation to the elective franchise; and it shall be the duty of the Secretary of State, and all other officers required to give or publish any notice in regard to the said general election, to give notice, as provided by law in case of an election of Governor, that this constitution has been duly submitted to the electors at said election. Every newspaper within this State publishing in the month of September next, this constitution as sub-

John D. Pierce,	D. C. Walker,
Nathan Pierce,	R. McClelland,
Milo Soule,	Alexander M. Arzeno,
William V. Morrison,	Henry B. Marvin,
Geo. Redfield,	Emerson Choate,
David Sturgis,	G. O. Whittemore,
John D. Burns,	J. Van Valkenburgh,
Chas. E. Beardsley,	James Webster,
John Bartow.	Elias S. Woodman,
Elbridge G. Gale,	A. H. Hanscom,
D. W. C. Leach,	Z. M. Mowry,
John Mosher,	Seneca Newberry,
Daniel Kinne,	William Axford,
E. B. Danforth,	E. S. Moore,
C. P. Bush,	Wm. Conner,
Henry Bartow,	Joseph R. Williams,
Cyrus Lovell,	F. J. Prevost,
J. L. Butterfield,	Elias M. Skinner,
R. H. Anderson,	Earl P. Gardiner,
E. S. Robinson,	Morgan O'Brien,
W. F. Storey,	James M. Edmunds,
J. G. Cornell,	Benj. W. Waite,
Volney Hascall,	Wm. S. Carr,
Rix Robinson,	James Kingsley,
Thomas B. Church,	Peter Desnoyer,
Noah H. Hart,	Ammon Brown,
J. R. White,	E. C. Eaton,
Charles Chandler,	Joseph H. Bagg,
Addison J. Comstock,	Henry Fralick,
Ebenezer Daniels,	John Gibson,
Nelson Green,	H. J. Alvord,
	JOHN SWEGLES, Jr., } 
	}
	}
	CHARLES HASCALL,      } <i>Secretaries.</i>

I hereby certify the above and foregoing to be a true copy of the enrolled Constitution of the State of Michigan, as filed in the office of the Secretary of State, August 15, 1850, except the words included in brackets, which are not in said copy.

ROD. R. GIBSON,

*Dep. Sec'y of State.*

I certify that the words included in brackets, were in the Constitution as passed by the Convention, and in the copy furnished the enrolling committee.

JOHN SWEGLES, Jr.,  
*Principal Secretary of Convention.*